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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

WESLEY CORBERA, as executor of the )  
estate of Harrison Carmel Breedlove, )  
Deceased, )  
 )  
Plaintiff, )  
vs. )  
 )  
HENRY JAMES TAYLOR, and DOES 1- )  
10, )  
 )  
Defendants. )

CASE NO. 2:21-CV-1998-KJN

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR FILING OF FIRST  
AMENDED COMPLAINT**

TO THE HONORABLE COURT:

WHEREAS, Plaintiff filed his original complaint on October 28, 2021, which named Defendant Henry James Taylor as the sole defendant;

WHEREAS, Plaintiff pled that he did not have sufficient facts to state a claim against the County of Shasta at the time that he filed his complaint, but that he intended to investigate the matter further;

WHEREAS, Plaintiff further pled that if he gathered sufficient information to pursue claims against the County of Shasta, he would amend the operative complaint to bring *Monell* claims against the County of Shasta by substituting it as Doe No. 1; and,

WHEREAS, Plaintiff has, in the course of discovery and other investigation, recently obtained information that establishes an adequate basis to plead *Monell* claims against the County of Shasta;

NOW, therefore, Plaintiff Wesley Corbera, as administrator of the estate of Harrison Carmel

Breedlove, deceased, and Defendant Henry James Taylor, agree and stipulate as follows:

1. Plaintiff may file a First Amended Complaint in the form of the attached, and

2. Defendant Henry James Taylor waives notice and service of the First Amended Complaint and shall not be required to answer the amendment, and all denials, responses, and affirmative defenses contained in the answer filed by Taylor to the original complaint shall be responsive to the First Amended Complaint.

DATED: August 1, 2022

BRENT & FIOL, LLP

By: \_\_\_\_\_  
David L. Fiol  
Attorney for Plaintiff

DATED: August 1, 2022

GOYETTE & ASSOCIATES, INC.

By: \_\_\_\_\_  
Paul Q. Goyette  
Attorney for Henry James Taylor

**ORDER**

The parties' above stipulation is APPROVED and adopted as the order of the court. Plaintiff shall forthwith file the First Amended Complaint attached to the Stipulation and Proposed Order as a separate event on the docket. The Clerk of Court shall then issue a summons for newly added defendant the County of Shasta. When serving process under Rule 4, plaintiff shall provide the new

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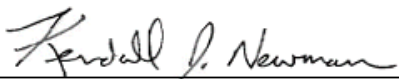
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defendant with a copy of the consent information attached to the case initiating documents (ECF No. 3.1) as well as a copy of this order. **Within 21 days** of being served, the County of Shasta shall file its Consent/Decline form informing the Clerk of Court whether or not it consents to magistrate judge jurisdiction for all purposes under 28 U.S.C. § 636(c). Failure to do so will result in the reassignment of this case to a District Judge, with the undersigned continuing only for those referral purposes anticipated by the Local Rules.

Given the anticipated joinder of a new defendant, the court VACATES the status conference currently set for September 6, 2022. **Within 30 days** of the County of Shasta's filing of an answer to the First Amended Complaint, the parties shall file a joint status report addressing the relevant portions of Local Rule 240(a) to facilitate the entry of a pretrial scheduling order. Therein, the parties may propose dates for a status conference based on the court's available hearing dates or may agree for the court to enter a scheduling order without the need for a conference.

Dated: August 4, 2022

  
KENDALL J. NEWMAN  
UNITED STATES MAGISTRATE JUDGE

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